(10)
CF. 3800/ (1)
~~CF 105~~ Division Bench

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P.(C) No.....255...../2007

PETITIONERS:

1. Pradeep Kumar Shiva
S/o Shri Shiva Rajan
Aged about 20 years
R/o Sr. MIG A/7,
Sada Colony, Jamnipali,
Korba (C.G.)

F.R. No. 1135/07
Presented by Sh. Swati Shukla
dated 8/2/07

2. Kameshwar Singh
S/o Shri Mohan Singh Shrey
Aged about 19 years
R/o Block Colony,
Dhamdha, District Durg (C.G.)

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8/2/07
CLERK to A. G. BILASPUR

3. Anshuman Tiwari
S/o Shri Ramesh Kumar Tiwari
Aged about 19 years
R/o Government Gurukul Vidyalaya
Pendra Road,
District Bilaspur (C.G.)

COMMISSIONER
APARNA MALVIYA
Bilaspur Chhattisgarh

4. Ankit Jain
S/o Shri R.K. Jain
Aged about 19 years
R/o 14/5, Priyadarshini Parisar (W)
Nehru Nagar, Bhilai,
District Durg (C.G.)

RLC
Rejoin
08.02.07
for Resp. no. 2 & 3

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5. Jitendra Kumar Naik
S/o Shri K.S. Naik
Aged about 22 years,
R/o Village & Post Lohar Singh
District Raigarh (C.G.)

6. Prasoon Kumar Toppo
S/o Shri Ganpati Prasad Toppo
Aged about 21 years
R/o Bachra Pondi, Khudgawan,
District Koriya (C.G.)

7. Bhupesh Kumar Bhagat
S/o Shri B.K. Bhagat
Aged about 19 years
R/o Gupta Colony,
Darripara, Ambikapur,
District Sarguja (C.G.)

8. Ashutosh Garg
S/o Shri P.N. Garg
Aged about 21 years
R/o Sitaram Temple, Gondpara,
Bilaspur (C.G.)

9. Preeti Ojha
D/o Shri D.S. Ojha
Aged about 20 years
R/o 2/23, New Colony,
Birla Nagar, Gwalior (M.P.)

COMMISSIONER
APARNA
MALVIYA
C-PD 73/96

(13) (3)

10. Kamendra Thakur
S/o Shri T.K. Thakur
Aged about 19 years
R/o Q.No.-1C, Type-1-ZB,
Street 34, Sector 8, Bhilai
District Durg (C.G.)

11. Aditi Chandrakar
D/o Shri Shekhar Chandrakar
Aged about 20 years
R/o H.Q.No.-Q/15,
Shri Ram Nagar Phase-2,
Near T.V. Tower, Shankar Nagar,
Raipur (C.G.)

12. Tanushree Bhaduri
D/o Shri U.K. Bhaduri
Aged about 18 years
R/o Q.No.-10/A, Street No.26,
Sector 10, Bhilai,
District Durg (C.G.)

13. Kshama Tiwari
D/o Shri B.B. Tiwari
Aged about 22 years
R/o 47/156, Azad Chowk,
Brahmanpara, Raipur (C.G.)

14. Prateek Jain
S/o Shri Mukesh Jain
Aged about 18 years
R/o 24, Commercial Complex,
Nehru Nagar, (E) Bhilai (C.G.)

HIGH COMMISSIONER
APARNA MALVIYA
CG-0973/06
Bilaspur Chhattisgarh

(14) (14)

15. Ankit Jain
S/O Shri Vimal Jain
Aged about 18 years
R/o C/o Shri R.K. Jain
Seepat Road, Sarkanda,
Bilaspur (C.G.)

16. Anurag Sharma
S/o Dr. N.K. Sharma
Aged about 19 years
R/o Near Jyoti Health Centre
B.M.Y., Charoda, Durg (C.G.)

17. Raviraj Thakur
S/o Shri R.S. Thakur
Aged about 20 years
R/o Pragati Nagar, Risali
Bhilai (C.G.)

18. Anupam Minz
S/o Late Shri Anukaran Minz
Aged about 19 years
R/o Kanya Shiksha Parisar
Ambikapur (C.G.)

19. Anupam Kujur
S/o Mr. J.P. Kujur
Aged about 21 years
R/o Namnakala (Near Power House)
Ambikapur, Distt. Sarguja (C.G.)

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20. Ajay Singh Thakur
S/o Shri C.S. Thakur
Aged about 20 years
R/o C/30 Radha Swami Nagar,
Raipur (C.G.)

21. Dinesh Kumar Sahu
S/o Late Shri Hari Lal Sahu
Aged about 21 years
R/o Village-Utai, (Aashish Nagar)
P.O.-Utai, District Durg (C.G.)

22. Gayatri Sharma
D/o Shri D.P. Sharma
Aged about 20 years
R/o Police Line, Tifra, Bilapur (C.G)

23. Tarun Banjare
S/o Shri J.L. Banjare
Aged about 19 years
R/o District Trade & Industries
Centre, Kawardha (C.G.)

24. Anand Mohan Tripathi
S/o Dr. O.P.N. Tripathi
Aged about 21 years
R/o S/o Dr. O.P.N. Tripathi
Main Road, Surajpur,
District Surguja-497299

25. Chandresh Chandra Patel
S/o Mr. B.L. Patel
Aged about 20 years

(16) (26)

R/o B/23, Indira Vihar Colony
S.E.C.L., Bilapur (C.G.)

26. Bhuwan Sharma
S/o Shri J.P. Sharma
Aged about 19 years
R/o S/o Shri J.P. Sharma
Qr. No. E-177, CSEB (West)
Korba (West), District Korba (C.G.)

27. Bhagwati Sidar
D/o R.P. Sidar
Aged about 21 years
R/o Village-Phoolbandhia
P.O. Sodka -Via-Kharsia
District Raigarh (C.G.)

28. Sulekha Swarnakar
D/o Shri Ram Kumar Swarnakar
Aged about 21 years
R/o Q No. B/156 Adarsh Nagar,
Kusmunda, Korba (C.G.)

OATH COMMISSIONER
APARNA MALVIYA
CG-2873/96
Bilaspur Chhattisgarh

29. Ku. Sanghrsha Shendey
D/o Dr. Jai Singh Shendey
Aged about 2o years
R/o Lal Bagh, Jagdalpur,

30. Sonali Kurrey
D/o M.R. Kurrey
Aged about 19 years
R/o Q-06/C Street-2, Bhilai, Durg

(17)

31. Deepika Bhagat
D/o Shri J.R. Bhagat
Aged about 21 years
R/o C/o Bouripara, Shikari Road
Ambikapur, Surguja-497001

32. Kavita
D/o Shri P.D. Kurre
Aged about 20 years
R/o C/o Rajiv Nagar,
Zone-2, Khursipar, Bhilai,
Present Address-Block 7/A,/4/6,
Bhilai (C.G.)

33. Roshan Singh Rathore
S/o Mr. Hetram Rathore
Aged about 22 years
R/o P.O. Portha, Block-Sakti,
District-Janjgir-Champa (C.G.)
Or CIMS Boys Hostel, Bilapur (C.G.)

34. Yogendra Kumar Verma
S/o M.L. Verma
Aged about 21 years
R/o H-187, Sector-3,
Kashiram Nagar, Raipur-A-1,
Block-2 CIMS Boys Hostel

OATH COMMISSIONER APARNA MALVIYA CG/[illegible]/96 Bilaspur (Chhattisgarh)

35. Garima Sharma
D/o Ashok Sharma
Aged about 20 years
R/o Dulari, H.No 707,
Sundar Nagar, Raipur (C.G.)

36. Rupali Mathur
D/o Mr. Rajiv Mathur
Aged about 18 years
R/o 10 HIG, Shankar Nagar,
Raipur (C.G.)

37. Shringi Netam
D/o Shri R.L. Netam
Aged about 20 years
R/o Tikrapara, Munnu Chowk
Bilaspur (C.G.)

38. Jinesh Jain
S/o Shri N.C. Jain
Aged about 19 years
R/o Burad Niwas
Sadar Bazar, Durg (C.G.)

VERSUS

RESPONDENTS:

1. State of Chhattisgarh
Through the Secretary
Department of Health & Family Welfare, D.K.S. Bhawan, Mantralaya
Raipur (Chhattisgarh)

2. Guru Ghasidas University
Through its Vice Chancellor
Bilaspur (Chhattisgarh)

(19) (9)

3. Chhattisgarh Institute of Medical Sciences
Through its Dean, Pratap Chowk
Bilaspur (Chhattisgarh)

PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF APPROPRIATE WRITS OF MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS:-

(186)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (C) No. 255 of 2007

Petitioners — Pradeep Kumar Shiva and others

Versus

Respondents — State of Chhattisgarh and others

Single Bench: Hon'ble Mr. Justice **Satish K. Agnihotri.**

Present: Mr. Kanak Tiwari, Senior Advocate with Mr. Prateek Sharma, Advocate for the petitioner.
Mr. Utkarsh Verma, Deputy Govt. Advocate for the State/respondent No. 1.
Mr. Manidra Shrivastava, Senior Advocate with Mr. Ashish Shrivastava, Advocate for the respondents No. 1 and 2.

ORDER

(Passed on 20th Day of February, 2007)

The following order of the Court was passed by **Satish K. Agnihotri, J.**

1. Learned counsel appearing for petitioners submits that the petitioners have filed interim application in the pending Special Leave Petition (Civil) No. 24539 of 2005 for seeking following relief :-

> "A. Quash/Stay the Demand Notice dt. 08.01.2007 issued by the Chhattisgarh Institute of Medical Sciences, Bilaspur.
>
> B. Pass any further orders, which this Hon'ble Court may deem fit and proper in the circumstances of the case."

2. The Hon'ble Supreme Court on I. A. No.s 2-3 filed in in SLP (C) No. 24539 of 2005 passed the following order on 31.07.2006 (Annexure P/8):-

> "All the petitioners are permitted to write the examination on condition that they shall file a separate undertaking that they would pay the fee, which is ultimately decided by this Court."

3. Learned counsel appearing for the petitioner further submits that the present petition, seeking for quashing of the order dated 8.1.2007 was mentioned before Hon'ble the Chief Justice of India. The Hon'ble Chief Justice of India has observed that for interim relief the petitioners could approach the High Court. He further submits that after issue of the demand notice dated 8.1.2007 one more notice dated 5.2.2007 in continuation of earlier notice dated 8.1.2007 has been issued directing the petitioners to deposit a sum of Rs. 1,93,550/- before 20.2.2007. It was further directed in the notice dated 5.2.2007 that any default in payment of fee would lead to cancellation of admission and taking other consequential steps under the provisions of the Guru Ghasidas Vishawavidalaya Ordinance No. 6 (Examination General) Second Part (8).

4. Learned counsel appearing for the respondents/university submits that admittedly the main matter is pending consideration before the Hon'ble Supreme Court in Special Leave Petition (C) No. 24539 of 2005, whereunder the Hon'ble Supreme Court had directed to the petitioners (Students) to file a separate undertaking that they would pay the fee, which is ultimately decided by the Hon'ble Supreme Court.

5. Admittedly, the petitioners were admitted to five year M.B.B.S. Course in the academic session 2005-2006 in the Chhattisgarh Institute of Medical Science (CIMS) and they are student of second year M.B.B.S. course. The Hon'ble Supreme Court vide order dated 31.7.2007 permitted the petitioners to write the examination on filing of an undertaking to pay the fees, ultimately decided by the Hon'ble Supreme Court. At this stage when the petitioners are pursuing their studies, taking harsh steps for cancellation of their admissions by notice dated 8.1.2007 and 5.2.2007, if they fail to deposit Rs. 1,93,550/- before 20.2.2007, is not proper, keeping in view the fact

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of pendency of the issue before the Hon'ble Supreme Court in the S.L.P.(C) No. 24539 of 2005.

6. In view of the foregoing, the respondent/University is directed not to take any coercive steps pursuant to the notice dated 8.1.2007 and 5.2.2007 till the application filed by the petitioners for direction in S.L.P.(C) No. 24539 of 2005 is taken up for hearing by the Hon'ble Supreme Court. With this direction, the petition stands disposed of finally. No order as to costs.

Certified copy, as per Rules.

Sd/-
Satish K. Agnihotri
Judge

Subhash